

line 13 to delineate the two claim elements of "a sheet panel support", and "a sheet panel support and tensioner". Claim 4, directed to the "fabric sheet panel support", is amended so as to be correctly directed to the "first dowel pin", as the portion of the claim "said groove sized to receive said first dowel pin and said second dowel pin" has been discovered to be in error and causes the claim to also be indefinite. Claim 12 is similarly amended to specify that the claim is directed to the "sheet panel support and tensioner", and to further correct antecedence.

CLAIM REJECTIONS UNDER 35 USC 103(a)

Claims 1, 2, 4, 10, 12 - 13 are rejected as being unpatentable over Fridolph in view of Loomis, the Examiner stating "the Examiner takes the position that the claimed language fails to clearly [define or identify?] " an outer edge", thus the outer edge of the frame members of Fridolph being defined as the edge portion facing the reader as shown in Fig. 3.", with the opposite side as the inner edge.

Responsive to the Examiner's comments, Applicant has amended claim 1 to clarify any confusion the Examiner may have with respect to "edges" and "sides" so that it is clear that Applicant's frame member is provided with "a slot therein extending between an inner edge adjacent said open space and an opposed outer edge of said one of said upper frame member and said lower frame member" (underlining added). It is noted that the reference to Fridolph specifically states "Formed in the frame 10 on the inner face thereof along its

sides and top is a similar recess slot 26..." (Col. 2 lines 32 - 33). Clearly, the slots of Fridolph are positioned in broad sides of the frame members as opposed to edges of the frame as claimed by Applicant. Thus, it is respectfully submitted that the Examiners position with respect to the edges of Applicant's frame corresponding to sides of Fridolph is obviated. In addition, both Fridolph and Loomis teach mounting of flexible material in broad sides of a planar surface (Loomis) or broad sides of frame members (Fridolph).

In an attempt to sustain a rejection under 35 USC 103(a), the Examiner cites *In re Keller* as to what the combined teachings of the prior art references have suggested to those of ordinary skill in the art. In the decision of *In re Keller*, the relevant issue related to whether use of a digital timer would have been suggested by prior art that taught use of analog timers in an analogous art and where motivation for using a digital timer in place of analog timer was found in one of the prior art references. No such similarity is found between the references of Fridolph and Loomis. Initially, the reference to Fridolph relates to furniture and the like while the reference to Loomis relates to signage such as "billboards, signboards and the like" (abstract). There is no mention of signs or signage in Fridolph, and there is no mention of furniture or cabinet doors in Loomis. As such, the references of Fridolph and Loomis are taken from non-analogous arts. Given the references of Fridolph and Loomis, one skilled in the art of furniture and upholstery would not turn to the art of signage for solutions as to how to removably mount furniture coverings. After all, who would want the structure of Loomis attached to their furniture? Such

a mechanical appearance would defeat the desirability of having a refined, finished look associated with respect to cabinet doors, furniture and the like. Thus, there is no desirability or motivation to combine found in the combination of Fridolph and Loomis as suggested by the Examiner. Please see *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ1453, 1457-58 (Fed Cir 1998), (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obviousness was held improper). In addition, use of the structure of Loomis would change the principle of operation of Fridolph, as Loomis suspends the flexible or fabric material away from the planar surface to which it is mounted while Fridolph strives to achieve an upholstered look. Further, neither Fridolph or Loomis teach the limitation of a slot "extending between an inner edge adjacent said open space and an opposed outer edge" through which the flexible sheet panel extends "straight through said slot to said outer edge", "a sheet panel support disposed along said outer edge" of the frame member, or "said flexible sheet panel also extending straight into an inner edge adjacent said open space of the other" frame member, as now claimed by Applicant.

It is respectfully submitted that in view of the clarifying amendments and comments as noted above, the rejection of claim 1 under 35 USC 103(a) should be obviated.

Dependent claims 2, 4, 10, and 12 - 13, being dependent on a base claim believed allowable, should also be found allowable.

The other amendments to the claims are merely corrective in nature, and do not add new matter. These amendments, in claim 1, include eliminating redundant language, for example at lines 10 - 11, and to correct antecedents in all claims. In claim 4, and as noted above, references to the "lower tubular loop" and "second dowel pin" are deleted, these elements being correctly included in claim 12. In addition, the "upper tubular loop" in claim 4 is changed to "first tubular loop" for clarity and to better delineate its relationship with the "first dowel pin". In claim 12, the "sheet panel support and tensioner" is correctly added from claim 1 responsive to the Examiner's comments as noted above, and the "lower tubular loop" changed to "second tubular loop" to delineate its relationship with the "second dowel pin". Claim 14 is amended to correct antecedents and eliminate redundant language.

New claims 16 - 18 are added herewith responsive to the indication of allowability of claims 11, 14 and 15. Here, claim 16 incorporates subject matter found in claims 1, 2, 4, 10, 11, 12. Claim 17 adds to claim 16 the additional limitations of claims 13, 14 and 15. Claim 18 includes limitations found in all the claims.

As this amendment is believed to place all the claims in condition for allowance, favorable action is respectfully requested. No new matter is added with this amendment, and no material is added that would require a new search or additional consideration. All amendments to the claims are made to either correct errors in the previously-submitted claims, to clarify the claims or amend the claims responsive to the Examiner's suggestions or comments. Two

additional independent claims are added, bringing the total number of independent claims in the case to three, and the total number of claims is less than 20, requiring no new fees.

In the event there are outstanding issues that need to be resolved, a telephone call from the Examiner is solicited. In the event the Examiner believes any of the claims are not allowable over the cited prior art, it is respectfully requested this amendment be entered for purposes of appeal.

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